



Department of Pesticide Regulation



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ENF 08-28

TO: County Agricultural Commissioners

SUBJECT: INTERPRETING LABELING OF BEE PROTECTION STATEMENTS

The interface between making pesticide applications and protecting bees from adverse impacts from those applications has been an ongoing issue for many years. Several years ago U.S. EPA introduced the concept of “residual toxicity” (RT) time and indicated that they would begin to appear on labeling. At that time DPR amended the bee protection regulations in *Title 3, California Code of Regulations (3CCR) section 6650* to include the RT time concept.

U.S. EPA required registrants to include specific labeling statements depending on the presence of RT concerns and bee toxicity group, but did not specifically include the RT times on the labeling. The U.S. EPA Labeling Guidance Manual (page 8-6) has a chart that outlines bee protection statements for Toxicity Group I and Toxicity Group II pesticides. This manual may be viewed on line at <http://www.epa.gov/oppead1/labeling/lrm/labelreviewmanual.pdf>. Recently, issues arose relating to the interpretation of these statements in the field. DPR has received some correspondence from U.S. EPA on this subject and in addition, has crafted the following guidance.

The U.S. EPA requires specific bee caution statements on pesticide labeling. According to U.S. EPA, these statements “should be interpreted to read that (the pesticide) can be applied to crops that are not blooming and (the pesticide) can be applied to blooming crops, or to crops where there are blooming weeds adjacent, provided that bees are not actively foraging, e. g. applications made at night or during twilight hours”. DPR has analyzed these statements and offers the following interpretative guidance.

When extended RT is a factor, both Bee Toxicity Group I and Bee Toxicity Group II labeling contains the directional statement, “Do not apply this product if bees are visiting the treatment area”. Blooming plants on the treatment area are not necessary to trigger this prohibition. The visitation may be for any reason.

The difference between these statements for Bee Toxicity Group I and Bee Toxicity Group II is the addition of the phrase “or allow it to drift to blooming crops or weeds”. Use of the term “drift” implies deposition (impacts) outside of the treatment area rather than within the target site. It is acknowledged that some drift is a common occurrence (see drift in CAC Letter ENF 004-34). A violation of this labeling phrase occurs when bees on neighboring property are damaged by drift to blooming plants on that neighboring property. Substantial drift is always



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prohibited by *Food and Agriculture Code section 12972*. In cases where neighboring bees are put at risk *3CCR section 6614(b)(2)* may have been violated rather than the labeling statement.

When extended RT is not a factor, both Bee Toxicity Group I and Bee Toxicity Group II labeling contains the directional statement, “Do not apply this product if bees are actively visiting the treatment area”. Blooming plants on the treatment area are not necessary to trigger this prohibition. This requires some interpretation of the meaning of the word “actively” and how it effects the requirement.

When extended RT is not a factor, the intent of this labeling statement is to require that applications be made when bees are not actually present during the application. This is the time when they are “actively visiting”.

When extended RT is a factor, the intent of this labeling statement is to prohibit applications when the extended RT period will extend into the next expected bee visitation period. *3CCR section 6650* contains standards relating to bee activity.

3CCR section 6614(b)(2) prohibits pesticide application when there is a hazard of damage to surrounding private or public property (bees in this case). This section places responsibility on the applicator to consider the potential impacts of the application and respond appropriately.

Sincerely,

Original Signature by:

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cc: Mr. James Shattuck, DPR Agricultural Commissioner Liaison
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